

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

ORDER NO. 87-5

NPDES NO. CA0028924

REVISING ORDER NO. 86-13 WASTE DISCHARGE/PERMIT REQUIREMENTS FOR:

LINCOLN PROPERTY COMPANY  
RIVER PARK TOWERS  
SAN JOSE  
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board), finds that:

1. Lincoln Property Company, (hereinafter called the discharger), is developing a site located in downtown San Jose, bordered by Park Avenue, San Carlos Street, Highway 87 and to the east by the Guadalupe River, as shown on Attachment 1, Site Plan, hereinafter a part of this Order.
2. In March 1986, an NPDES permit (Order No. 86-13) was issued for this site for temporary discharge of groundwater containing pollutants from dewatering operations conducted during construction of the underground garage. The foundation for the garage has been completed and water is no longer being discharged from this point. Order No. 86-13 is therefore amended by this Order. Effluent limits have been reduced due to the long term nature of the discharge.
3. In August 1986, Waste Discharge Requirements, Order No. 86-67, were issued for the site. The discharger is currently in compliance with the schedule specified in Order No. 86-67.
4. The site was originally occupied (from 1920 - mid 1970's) by a laundry service. From the 1970's through 1984 the site was occupied by a variety of businesses including: a car rental company, a car salvage company, a computer parts precious metal salvage operation, and a tire salvage company.
5. The discharger acquired the site on June 25, 1985, demolished all existing structures, and began construction of River Park Towers, a development consisting of two 17-story office buildings and an underground garage. The discharger was not responsible for the original release of chlorinated solvents that have been found at the site.

6. During the soil and foundation investigation associated with the River Park construction, chlorinated solvents were found in the soil. Subsequent investigations found levels of perchloroethylene (PCE) as high as 321,221 ppb in the soil and 6,245 ppb in the shallow groundwater, ("A" aquifer). Chlorinated solvents were also found in the next deeper aquifer ("B" aquifer) at levels as high as 2,159 ppb PCE.
7. The subsurface geology beneath the discharger's site consists of interbedded clays and silts to a depth of fifteen to twenty feet below ground surface. These non-water bearing soils are underlain by discontinuous lenses of permeable sand and gravelly sand. The static water level varies between eighteen and twenty-six feet below ground surface. Perched groundwater within this unit, ("A" aquifer), is generally three to four feet thick. The level of water in the Guadalupe River, immediately east of the site is approximately nineteen feet below ground surface, and appears to be in discontinuous hydraulic continuity with the "A" aquifer.
8. The "A" aquifer is underlain by stiff, silty clays which are underlain by permeable sands and sandy gravels which comprise the next water bearing unit, ("B" aquifer). This deeper aquifer is very uniform and extensive with a water level approximately thirty-nine to forty feet below the ground surface and permeable sediments extending to one hundred feet below the ground surface.
9. Soil cleanup as directed by the Department of Health Services is almost complete. Soil is aerated in 3 to 12-inch lifts of soil for 3 to 5 days until analysis of soil samples showed less than 100 ppb PCE. Aerated soil has been used for backfill around the excavation.
10. The extent of the pollutant plume in the groundwater has been defined vertically and laterally. Groundwater monitoring wells installed beyond the property boundary on each side of the site have shown less than 20 ppb total pollutants and a well constructed to the third deeper saturated unit or "C" aquifer has shown non-detectable levels of pollutants. Plume perimeter wells are sampled quarterly as prescribed in the self-monitoring program (Order No. 86-67). The "C" aquifer well has been sampled twice and will be sampled annually until cleanup of the "A" and "B" saturated units has been completed.
11. There are 10 active municipal wells located within 1 mile downgradient of this site which are operated by the San Jose Water Company. Six of these wells were sampled in June 1986 and analyses indicated non-detectable levels of contaminants.
12. The discharger has proposed a cleanup system for extracting, treating, and discharging the polluted groundwater. The system will consist of 3 "B" aquifer extraction wells, approximately 5 "A" aquifer extraction well points depending on the results of initial tests, and an aeration fountain system designed to reduce pollutant levels to less than 5 ppb per constituent. Vacuum extraction and re-injection of treated groundwater may also be employed to speed

up cleanup in the shallow zone. The total average flow of water from the system is expected to be approximately 720,000 gpd.

13. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on July 21, 1982. The Basin Plan contains water quality objectives for the Guadalupe Rivers and South San Francisco Bay and contains discharge prohibitions applicable to shallow water discharges in these areas.
14. The existing and potential beneficial uses of Guadalupe River and South San Francisco Bay are:

- Industrial Service Supply
- Water Contact Recreation
- Non-contact Recreation
- Navigation
- Warm and Cold Fresh Water Habitat
- Wildlife Habitat
- Fish Migration
- Fish Spawning
- Ocean Commercial and Sport Fishing
- Preservation of Rare and Endangered Species
- Shellfish Harvesting
- Estuarine habitat

15. The Basin Plan prohibits discharge of wastewater which has "particular characteristics of concern to beneficial uses" (a) "at any point in San Francisco Bay south of the Dumbarton Bridge" and (b) "at any point where the wastewater does not receive a minimum initial dilution of at least 10:1 or into any nontidal water, deadend slough, similar confined water, or any immediate tributary thereof."
16. The Basin Plan allows for exceptions to the prohibitions referred to in Finding 15 above when it can be demonstrated that a net environmental benefit can be derived as a result of the discharge.
17. Exceptions to the prohibitions referred to in Finding 16 are warranted because the discharge is an integral part of a program to cleanup polluted groundwater and thereby produce an environmental benefit, and because receiving water concentrations are expected to be below levels that would effect beneficial uses. Should studies indicate chronic effects not currently anticipated, the Board will review the requirements of this order based up Section B.1.e.
18. The Basin Plan prohibits discharge of "all conservative toxic and deleterious substances, above those levels which can be achieved by a program acceptable to the Board, to waters of the Basin." The discharger's dewatering and treatment system and associated operation, maintenance, and monitoring plan constitutes an acceptable control program for minimizing the discharge of toxicants to waters of the State.

19. Effluent limitations of this Order are based on the Basin Plan, State Plans and policies, and best engineering judgment. Justifications for the proposed effluent limitation for groundwater recharge areas are discussed in detail in the Regional Board's guidance document entitled "Discharge of Polluted Groundwater to Surface Waters", dated September 1985.
20. The issuance of waste discharge requirements for the discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
21. The Board has notified the discharger and interested agencies and persons of its intent to issue waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
22. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and Guidelines adopted thereunder, shall comply with the following:

A. Effluent Limitations

1. Constituent	Maximum Concentrations ug/l (ppb)
Volatile Organic Chemicals including: CCl <sub>4</sub>	5
Chlorobenzene	5
Chloroform	5
1,1 DCA	5
1,1 DCE	5
PCE	5
Toluene	0.2
1,2 Trans DCE	5
1,1,1, TCA	5
TCE	5
Vinyl Chloride	5

2. The pH of the discharge shall not exceed 8.5 nor be less than 6.5.
3. In any representative set of samples, the discharge of waste shall meet the following limit of quality:

TOXICITY:

The survival of test fishes in 96-hour bioassays of the effluent as discharged shall be a median of 90% survival and a 90 percentile value of not less than 70% survival.

## B. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:
  - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
  - b. Bottom deposits or aquatic growths;
  - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
  - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or water fowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as result of biological concentration.
2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State in any place within one foot of the water surface:
  - a. pH: 


The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units.
3. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Federal Water Pollution Control act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

## C. Provisions

1. The discharger shall comply with all sections of this order immediately upon adoption.
2. The discharger shall comply with the self-monitoring program as adopted by the Board and as may be amended by the Executive Officer.
3. Any discharge to a location other than the storm drain shall require the submission of a second NPDES Application.

4. This Order includes all items of the attached "Standard Provisions, Reporting Requirements and Definitions" dated December 1986, except items B.2 and C.8.
5. Order No. 86-13 is hereby superseded by this Order and is hereby rescinded. This Order expires March 1, 1991 and the discharger must file a report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.
6. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall become effective at the end of ten days from date of hearing provided the Regional Administrator, U.S. Environmental Protection Agency, has no objection.

I Roger B. James, Executive Officer do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on February 18, 1987.



Roger B. James  
Executive Officer

Attachments: Standard Provisions, Reporting Requirements and  
Definitions  
Site map  
Self-Monitoring Program

SCALE: 1" = 500'

# Beta Associates

### LOCATION MAP

**RIVER PARK DEVELOPMENT  
CONTAMINATION INVESTIGATION**

CITY OF SAN JOSE

**CALIFORNIA**

**FIGURE**

1

PROJECT  
153-1.8

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM  
FOR

LINCOLN PROPERTY COMPANY

RIVER PARK TOWERS

SAN JOSE

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

A. GENERAL

Reporting responsibilities of waste dischargers are specified in Sections 13225(a), 13267(b), 13268, 13383, and 13387(b) of the California Water Code and this Regional Board's Resolution No. 73-16.

The principal purposes of a monitoring program by a waste discharger, also referred to as self-monitoring program, are: (1) to document compliance with waste discharge requirements and prohibitions established by this Regional Board, (2) to facilitate self-policing by the waste discharger in the prevention and abatement of pollution arising from waste discharge, (3) to develop or assist in the development of effluent or other limitations, discharger prohibitions national standards of performance, pretreatment and toxicity standards, and other standards, and (4) to prepare water and wastewater quality inventories.

B. SAMPLING AND ANALYTICAL METHODS

Sample collection, storage, and analyses shall be performed according to the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, or other methods approved and specified by the Executive Officer of this Regional Board.

C. REPORTS TO BE FILED WITH THE REGIONAL BOARD

1. Violations of Requirements

In the event the discharger is unable to comply with the conditions of the waste discharge requirements and prohibitions due to:

- (a) maintenance work, power failures, or breakdown of waste treatment equipment, or
- (b) accidents caused by human error or negligence, or
- (c) other causes such as acts of nature,
- (d) poor operation or inadequate system design,

The discharge shall notify the Regional Board office by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written report shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to prevent the problem from recurring.

The discharger shall file a written report at least 15 days prior to advertising for bid on any construction project which would cause or aggravate the discharge of waste in violation of requirements; said report shall describe the nature, costs, and scheduling of all action necessary to preclude such discharge.

In addition, if the noncompliance caused by items (a), (b), (c), or (d) above is with respect to any of the effluent limits, the waste discharger shall promptly accelerate this monitoring program as required by the Board's Executive Officer for those constituents which have been violated. Such analysis shall continue until such time as the effluent limits have been attained, or until such time as the Executive Officer determines to be appropriate. The results of such monitoring shall be included in the regular Self-Monitoring Report.

2. Bypass Reports

Bypassing reporting shall be an integral part of regular monitoring program reporting. A report on bypassing of untreated units shall be made which will include cause, time and date, duration and estimated volume bypassed, method used in estimating volume, and persons and agencies notified. Notification to the Regional Board shall be made immediately by telephone (415-464-1255), followed by a written account within 15 days.

3. Self-Monitoring Reports

a. Reporting Period:

Written reports shall be filed regularly each quarter by the thirtieth of the following month.

b. Letter of Transmittal:

A letter transmitting self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period and actions taken or planned for correcting any requirement violation. If the discharger has previously submitted a detailed time schedule for correcting requirement violations, a reference to this correspondence will be satisfactory.

Monitoring reports and the letter transmitting reports shall be signed by either a principal executive officer or his duly authorized employee. The letter shall contain a statement by the official, under penalty of perjury, that to the best of the signer's knowledge the report is true and correct.

c. Data Results:

- (1) Results from each required analysis and observation shall be submitted in the quarterly self-monitoring regular reports. Results shall also be submitted for any additional analyses performed by the dischargers at the specific request of the Board for parameters for which effluent limits have been established and provided to the dischargers by the Board.
- (2) The report shall include a discussion of unexpected operational changes which could affect performance of the treatment system, such as flow fluctuations, maintenance shutdown, etc.
- (3) The report shall also include a table identifying by method number the analytical procedures used for analyses. Any special methods shall be identified and should have prior approval of the Board's Executive Officer.
- (4) Lab results should be copied and submitted as an appendix to the regular report.
- (5) A map shall accompany the report, showing sampling locations and flow path of receiving waters.
- (6) The regular report shall include an annual waste summary by month for the current year for each parameter of the attached Table I. The annual report for December shall also include minimum, maximum, median and average for the year.

D. DESCRIPTION OF SAMPLING STATIONS

A. INFLUENT

Stations

Description

I-1

At a point in the groundwater collection system immediately prior to treatment.

B. EFFLUENT

<u>Station</u>	<u>Description</u>
E-1	At a point in the outlet or outfall from the groundwater treatment system prior to discharge to surface waters.

C. RECEIVING WATER

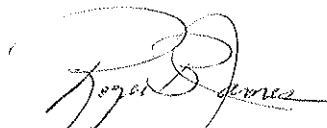
<u>Station</u>	<u>Description</u>
G-1	At the point in the Guadalupe River within at least 3 meters downstream from where the discharge occurs.

E. SCHEDULE OF SAMPLING AND ANALYSIS

The schedule of sampling and analysis shall be that given in Table I.

I, Roger B. James, Executive Officer, hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedure set forth in this Regional Board's Resolution No. 73-16 in order to obtain data and document compliance with waste discharge requirements established in Regional Board Order No. 87-5.
2. Was adopted by the Board on February 18, 1987.
3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the discharger, and revisions will be ordered by the Executive Officer.

  
ROGER B. JAMES  
Executive Officer

Attachments: Table I

TABLE 1  
SCHEDULE FOR SAMPLING, MEASUREMENTS, AND ANALYSIS

Sampling Station	I-1	E-1	G-1						
TYPE OF SAMPLE	G	G	G						
Flow Rate (gal/day)		D							
pH (units)	M	M	M						
Temperature ( $^{\circ}$ C)		M							
Total Volatile Organics	M	M	M <sup>1</sup>						
EPA 601/602 for:	M	M	M						
Carbon Tetrachloride									
Chlorobenzene									
Chloroform									
1,1-Dichloroethane									
1,2-Dichloroethane									
1,1-Dichloroethene									
trans-1,2-Dichloroethene									
trans-1,3-Dichloropropene									
Tetrachloroethene									
Toluene									
1,1,1-Trichloroethane									
Trichloroethene									
Vinyl Chloride									
GC/MS Scan (EPA 624)		2/Y							
Toxicity		1/Y							

LEGEND FOR TABLE

- G = grab sample  
 D = once each day  
 M = once each month  
 Q = quarterly, once in March, June, September and December  
 M/Q = monthly for three months at startup of operation; reduced to quarterly thereafter  
 2/Y = once in March and once in September  
 1/Y = once per year

FOOTNOTE:

- 1) If the flow rate of the Guadalupe River falls below .3 mgd weekly sampling and analysis is required.